

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD AUGUST 4, 2015**

CALL TO ORDER

At 7:00 p.m., Mayor Woodruff called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

ROLL CALL

Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mayor Woodruff answered present. Mr. Hall arrived at 7:47 p.m. Also present was Township Attorney Joseph Sordillo, Township Administrator John Bussiculo and Township Clerk Ana Minkoff.

EXECUTIVE SESSION – Attorney/Client Privilege – Foregger v. Berkeley Heights

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:
(7:03 p.m.)

Ayes: Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pirone, and Mr. Pastore
Nays: None
Abstain: None
Absent: Mr. Hall

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:
(7:10 p.m.)

Ayes: Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pirone, and Mr. Pastore
Nays: None
Abstain: None
Absent: Mr. Hall

Meeting CD did not start recording until 7:13 p.m.

FLAG SALUTE

Mayor Woodruff asked everyone present to stand as he led the Flag Salute.

The Mayor announced that Mr. Hall was in traffic and asked for the Conference Session to be delayed until his arrival. Therefore, the Township Council and Administration reports were presented first.

TOWNSHIP COUNCIL REPORTS

Mr. Delia – Mr. Delia brought up a question from a business in town: why don't businesses in town have to recycle? Discussion ensued with Mr. Bocchino, Council, the Mayor and Mr. Bussiculo.

Mr. Delia also spoke about the Environmental Commission discussions which have ensued during the last two weeks regarding the Pilgrim Pipeline. The Commission is going to propose to Council to pass an ordinance. Discussion ensued.

Mr. Delia spoke about a previous-meeting tax credit discussion. A brief discussion ensued.

Mr. Faecher – Mr. Faecher had nothing to report.

Mr. Pirone – Mr. Pirone spoke about the Community Growth Task Force, and a recent meeting held last week. The Task Force actions have included brainstorming and prioritizing. During the last meeting, they reviewed their "top 2" (municipal complex and parking for the commuters and shopping.) His discussion continued. Mr. Pirone stated that the Committee agreed that most of the residents can find parking in most of the downtown area, except for the north side. His discussion continued (i.e., increasing parking on this lot, getting out of the car on the driver's side, crosswalks for safety, non-commuter parking after hours and on weekends;) Mr. Pirone spoke 1) about the town growing more and the parking will get "harder;" 2) their work ties in with the Council's work with the Municipal Complex. He further spoke about maximizing every parking spot, employee parking, making more spots available and placing a parking permit placard at the train station.

Mr. Pastore – Mr. Pastore stated that the Memorial Park Committee had opened a Facebook page, Instagram and Twitter accounts, and gave the corresponding addresses. The Mayor spoke about the upcoming fundraiser: a softball game between the Fire and Police Departments on September 12th.

Mrs. Kinsley – Mrs. Kingsley had nothing to report.

Mr. Hall – Mr. Hall was absent for this portion of the meeting.

ADMINISTRATION REPORTS

Mayor Woodruff – The Mayor spoke about the following: 1) the Taste of the Town event; 2) the Concert Series continues tomorrow with the Four Seasons; 3) his attendance at the County Mayors meeting at County College. The Mayor spoke about the County's focus in helping businesses. The Mayor thought what would best help Berkeley Heights would be to try to get some of the County people to the next Chamber meeting; He elaborated on how the County could help Berkeley Heights businesses; 4) the matter of the litigation involving Mr. Foregger and the Township has been determined. According to our counsel, the Judge said the complaint should be dismissed with prejudice. He elaborated on this decision. Mr. Foregger has 45 days to appeal. It is estimated that the costs associated with this litigation, through the end of July, is \$15,668 (a member of the public asked for that figure.) The Mayor also spoke about distinguishing OPRA requests versus case (litigation) costs (citing last month's discussion regarding case costs.)

**Township Council Minutes
Public Meeting – August 4, 2015**

Mr. Bussicula – Mr. Bussicula spoke about the following: 1) JCP&L will be trimming trees over the next few months; 2) we received a report from New Jersey Safewise Report: Berkeley Heights was rated 20th safest city in New Jersey; 3) our two DPW replacement workers started on August 3rd; 4) Fire Department generator grant work; 5) the Right to Know report was submitted; 6) the New Jersey Stormwater report was submitted; 7) a Lord Littell historical grant was submitted; 8) we have gone to Neglia to get final acceptance on Treetop Court; 9) a recycling meeting (about Styrofoam and k cups) was held with Marlene Sincaglia; 10) the auction for surplus equipment starts tomorrow; 11) apron repair at the Fire Department; 12) the limited and no parking signs are being ordered for the streets near the High School; 13) a meeting with the Police Department and time keeping options; 14) 39 tons of asphalt have been put down since last Council meeting; 15) the street sweeper; 16) 6 inlets were repaired; 17) curb repair; 18) 3 handicap mats have been replaced; 19) vegetative growth trimming; 20) debris removal; 21) Per the County, the intersection of Plainfield and Mountain, will be closed for two nights, beginning August 11th; 22) the Fire Department received a grant for about \$25,000 to cover the HazMat suits (Township will also contribute;) The Department would like the Council to consider the Jaws required (which wasn't granted in the budget.) The cost is about \$7,500; the Department feels this is a need not a want; 23) the Amber Pizzo Memorial Fund bill list question (of last meeting.)

The Mayor asked about the organization we retained to review our Fire equipment and the status. Mr. Bussicula stated that the report should be available for next meeting. Discussion ensued regarding the intent of the review, RFP preparation, department budgeting/moving money and purchase order/resolution/ordinance requirements, the Jaws of Life request, and the recent grant award.

Moved by Mr. Faecher to approve the Township Council and Administration Reports, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Hall

APPROVAL OF MINUTES

Moved by Mr. Pirone to approve the following minutes, seconded by Mrs. Kingsley, and upon roll call vote:

**Executive Session Minutes – January 8, 2013
Executive Session Minutes - January 22, 2013
Executive Session Minutes -February 5, 2013
Executive Session Minutes - February 13, 2013**

Ayes: Mr. Delia, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: Mr. Faecher
Absent: Mr. Hall

**Township Council Minutes
Public Meeting – August 4, 2015**

Moved by Mr. Pirone to approve the following minutes, seconded by Mr. Pastore, and upon roll call vote:

Public Meeting – June 23, 2015

Ayes: Mr. Delia, Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: Mrs. Kingsley
Absent: Mr. Hall

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE
INTRODUCED ON JULY 21, 2015.**

The Clerk presented and read:

“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Chapter 10.36 entitled “Parking Restrictions” of Title 10 entitled “Vehicles and Traffic” of *The Code of the Township of Berkeley Heights* to Establish and Amend the Parking Regulations on a Portion of Various Roadways.” (Explanation: This ordinance establishes and amends the parking regulations on portions of various roadways near the Governor Livingston High School.)

Moved by Mrs. Kingsley to open the public hearing on the ordinance, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Hall

Hearing no voices, moved by Mrs. Kingsley to close the public hearing on the ordinance, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Hall

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pastore and upon roll call vote:

**Township Council Minutes
Public Meeting – August 4, 2015**

Ayes: Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Hall

CONFERENCE SESSION – Redevelopment Discussion:

- **Funding/Tax Impact**
- **Payment In-Lieu of Taxes (P.I.L.O.T.)**

The Mayor stated: 1) this is the last in a series of four meetings specific to certain items concerning Redevelopment. The meeting tonight is going to speak a) towards the funding/tax impact and P.I.L.O.T.; and b) some housecleaning from the last meeting.

Mr. Marceau presented a summary of the tax impact related to the redevelopment of the municipal complex. Mr. Marceau discussed the mandate given, i.e., develop a simple, reasonably accurate estimated homeowner property tax impact analysis based on two scenarios: a) Municipal Complex at Park Avenue site with Townhouses developed at Hamilton Avenue (Concept Plan 2; b) Municipal Complex at Park Avenue without consideration for Hamilton Avenue. He elaborated, including covering the following: 1) the Township proceeding under Redevelopment Law and such implications; 2) financial instruments; 3) estimated financial impact on the average resident; 4) assumptions made for this analysis; 5) down payments; 6) issuing bonds and bond anticipation notes (and length of these instruments;) 7) estimated interest rate; 8) net cost of land purchase; 9) estimated cost of Park Avenue Municipal Complex; 10) estimated sale price for Hamilton Avenue; 11) estimated net project cost; 12) estimated useful life of the ordinance; 13) paying debt down; 14) bonds in public auction; 15) scenario 1 estimated tax impact of an average assessed resident is \$70; 16) assessed value versus fair market value; 17) scenario 2 estimated tax impact (Municipal Building at Park Avenue with no consideration for Hamilton Avenue) is \$240; and 18) spreadsheets are available.

The Mayor asked if anyone had questions and asked Council to begin:

Mr. Delia stated/asked: 1) the library costs of \$1.7 million is not included; 2) we will be without a library for a number of years; 3) about selling the library. Discussion ensued; Further discussion centered around whether the library costs were included (in Scenario 1, not Scenario 2;) 4) interest rates in the future; and 5) the two scenarios and the corresponding taxes; further discussion on the discrepancy in two scenarios.

Mr. Faecher asked about what it would mean if the interest rate fluctuated. Discussion ensued.

Mr. Jess Germansky asked about the sale of the library and spoke about a missing piece in the presentation and elaborated. Discussion ensued. Mrs. Kingsley spoke about scenario 1 including rateables. Further discussion occurred. Mr. Delia stated his opposition to the land swap and spoke about selling the church property after we are done. A lengthy discussion ensued.

Mr. Delia asked what guarantee do we have that the money from the sale will go to pay down the debt? Further discussion occurred (Mr. Pirone, Mr. Pastore, Mrs. Kingsley, Mr. Marceau.)

Mr. Stephen Yellin stated that 1) he appreciated the time that went into putting the costs together, and 2) we recognize that these are estimates. Mr. Yellin asked why the numbers in Mr. Mistretta's presentation were different from tonight's presentation. Discussion ensued (Mr. Hall, Mr. Marceau.) Mr. Yellin stated that when this is done, the public has to have a timeline (referenced Mr. Germansky) regarding the steps

**Township Council Minutes
Public Meeting – August 4, 2015**

to follow during the next two years. Discussion ensued (Mr. Hall.) Mr. Yellin said that the point he was trying to make was that there were a lot of unknowns and estimates here, and whether people support the plan or not, the more specifics given (and sooner) the better. Further discussion ensued regarding estimates (Mrs. Kingsley.)

Mr. Thomas Foregger spoke about changing the rateables value each year in Scenario 1. Discussion ensued. Mr. Foregger asked if that was a bump up of \$10 million. Discussion ensued. Mr. Foregger asked if the library is out of service, will we still collect the library tax. Discussion ensued on the statute pertaining to this (Mr. Hall, the Mayor, Mrs. Kingsley, Attorney Sordillo.) Mr. Foregger asked about the appraised value of the library, and stated there were two appraised values of the library. Discussion ensued.

Ms. Carol Matula asked Mr. Marceau about his presentation's numbers. Discussion ensued. She stated that she has a concern about the money not being used to pay down the debt. Further discussion ensued (Attorney Sordillo, Mrs. Kingsley.)

Mr. Foregger asked about the \$70, and wanted to know what that means. Discussion ensued that if nothing else changed, a resident's tax bill would now be \$70 higher each year (Mr. Marceau, Mrs. Kingsley.) Mr. Foregger asked for a percentage figure. Further discussion ensued.

Mr. John Sincaglia stated his thoughts on bond anticipation notes. He asked about the refinancing of the bonds at some point. Discussion ensued (Mr. Marceau.) Mr. Sincaglia asked about whether the Township received debt servicing from the State of New Jersey. Mr. Marceau answered no.

Ms. Stephanie Bakos spoke about Hillside, i.e., they had issues and never reopened their library. The library would look to rent space in the event there was a long time for construction. She spoke about surplus and lowering taxes (by law.) Discussion ensued (Mr. Hall.)

Mr. Sordillo presented a summary of P.I.L.O.T. (Payment in Lieu of Taxes.) Mr. Sordillo explained that a municipality can exempt a piece of property from taxation (that entity/property owner then makes payment to the municipality in lieu of paying taxes for a limited period of time.) This is only permitted under certain circumstances and one of the major circumstances is for redevelopment. He elaborated on this program (lengthy presentation.)

Mrs. Kingsley clarified that the P.I.L.O.T. for scenario 2 would not be relevant. Mr. Sordillo agreed. Mrs. Kingsley clarified that with scenario 1, the overall tax burden could go down if PILOT was implemented. Mr. Sordillo agreed. The Mayor asked how developers use PILOT to bid and/or attempt to get a project. Discussion ensued. Further discussion ensued: 1) regarding bid process (the Mayor;) and 2) under this set of circumstances why we wouldn't do it (Mr. Faecher.)

Mr. John Sincaglia spoke/clarified about tax caps, tax levy, school tax, PILOT, and tax base. A lengthy discussion ensued including discussion on tax base, tax burden (Mr. Sordillo, Mrs. Kingsley, Mr. Marceau.)

Ms. Carol Matula asked a question about whether the Township loses money. Discussion ensued including feedback on the county tax role.

Further discussion ensued on the administrative fee and annual service charge.

**Township Council Minutes
Public Meeting – August 4, 2015**

The Mayor stated that Mr. Iovino was unavailable this evening but came up with another option. Mr. Bussiculo described the new option: 1) the complex is pushed back 75 feet; 2) entrance is now on Park Avenue; 3) sally port can be put anywhere we would like; 4) the buffer; 5) the parking spots are reduced by 5 spots. The Mayor noted that the square footage was the same and stated that Mr. Iovino would be present at the next Council meeting.

Mr. Hall recommended that the next Council meeting focus on: Park Avenue, C Prime, and present numbers (by working with the CFO.)

HEARING ON AGENDA ITEMS ONLY

Moved by Mr. Pastore to open the Hearing on Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

The Mayor stated that Mrs. Kingsley would be the timer.

Mr. Tom Foregger of 14 Dorset Road proposed a number of amendments to the Iovino Professional Services Agreement referred to in Resolution Number 2. Discussion ensued. Mr. Foregger questioned the certificate of availability of funds. A brief discussion ensued.

Ms. Carol Matula of 5 Hastings Road asked about the Bond Ordinance. Discussion ensued.

Hearing no voices, moved by Mr. Pastore to close the Hearing on Agenda items, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated August 4, 2015 in the amount of \$193,667.72

**Township Council Minutes
Public Meeting – August 4, 2015**

Moved by Mr. Delia to approve resolution #1, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Mr. Hall introduced the following resolution:

2. Resolution authorizing a Professional Services Agreement with Arcari Iovino Architects, PC for the schematic design study services for the Township.

Moved by Mr. Hall to approve resolution #2.

The Mayor asked Mr. Hall if that was subject to the changes which were discussed. Mr. Hall answered yes. The motion was seconded by Mr. Pirone and carried.

Mr. Delia asked which plan would he draw the conceptual plans. Discussion ensued that this would be discussed at the next meeting. Mr. Delia said he had a hard time voting on this unless he knew which one he was voting for. He asked if the vote could be put off until the next meeting. Discussion ensued.

Upon roll call vote:

Ayes: Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: Mr. Delia
Abstain: None
Absent: None

Mr. Pastore introduced the following resolution:

3. Resolution authorizing the “Greening Union County” grant application with the County of Union.

Moved by Mr. Pastore do approve resolution #3, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Mr. Faecher introduced the following resolution:

4. Resolution authorizing “Preserve Union County” grant application with the County of Union.

Moved by Mr. Faecher to approve resolution #4, seconded by Mrs. Kingsley and carried.

Mr. Delia asked if we knew the specifics of what this money is for (he knew it was for Lord Littell.) Discussion ensued.

**Township Council Minutes
Public Meeting – August 4, 2015**

Upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Mr. Pirone introduced the following resolution:

5. Resolution authorizing the Township to enter into collective negotiation agreement with the United Public Service Employees Union for the period beginning January 1, 2014 to December 31, 2018.

Moved by Mr. Pirone to approve resolution #5, seconded by Mr. Pastore, and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

CONSENT AGENDA

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Mr. Pastore introduced the following resolution:

(6)

- a. Resolution removing Mike Ambrose, 255 Speedwell Avenue, Morristown, from the active duty roster of the Berkeley Heights Volunteer Fire Co.

Moved by Mr. Pastore to approve Consent Agenda resolution #6a, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

INTRODUCTION OF ORDINANCES:

Public Hearing and Final Adoption scheduled for August 18, 2015:

The Clerk presented and read:

**(1) “BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS
OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION,
NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,664,250
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,580,000 BONDS OR
NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”**

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk is offered on first reading and the date of August 18, 2015 is set as the date for public hearing and that the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pirone and carried.

Mr. Delia stated that this is the reason why he voted no on the budget and continued. Mr. Delia stated that everything is so general – and we have to address the capital plan a lot better. He elaborated. Discussion ensued.

Upon roll call vote:

Ayes: Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: Mr. Delia
Abstain: None
Absent: None

CITIZENS HEARING

Moved by Mr. Delia to open the Citizens hearing, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

The Mayor stated that Mrs. Kingsley was the timer.

Ms. Carol Matula asked about the litigation (Lone Pine.) The Mayor responded that there was no issue. A brief discussion ensued.

Mr. Charlie Pratt of 45 Park Avenue asked about the benches for Peppertown Park (on behalf of another person.) Discussion ensued (Mr. Delia, Mrs. Kingsley.)

Mr. Gerald Kuzmick of Eaton Court asked if there was any progress report on the river cleaning. Mr. Bussiculo stated there wasn't a report and elaborated.

**Township Council Minutes
Public Meeting – August 4, 2015**

Mr. Sander Raaymaker stated that he placed an OPRA request regarding the Wolf's letter. He asked if the content of the letter was discussed. Discussion ensued.

Moved by Mr. Delia to close the Citizens hearing, seconded by Mrs. Kingsley and upon roll call vote:
(9:57 p.m.)


Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

ADJOURNMENT

Moved by Mr. Hall to adjourn, seconded by Mr. Pastore and upon roll call vote
(9:58 p.m.)

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Approved: September 1, 2015

A handwritten signature in black ink, appearing to read "Ana Minkoff", is written over a horizontal line.

**Ana Minkoff
Township Clerk**